

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 4, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-18902 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PAWN PLUS - OWNER: CHRISTENSEN BROTHERS LLC - Request for a Special Use Permit FOR A PAWN SHOP AND A WAIVER TO ALLOW A 685 FOOT SEPARATION FROM AN EXISTING FINANCIAL INSTITUTION, SPECIFIED WHERE A 1,000 FOOT DISTANCE SEPARATION IS REQUIRED at 854 and 856 East Sahara Avenue (APN 162-03-801-108, 162-03-801-109 and 162-03-801-078), C-1 (Limited Commercial) Zone [C (Commercial) General Plan Designation], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

24

City Council Meeting

257

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

336

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest letters by H. Rossetti-Busa and Lisa MacGregor
6. Map, Protest Petition and Protest Letters
7. Submitted after Final Agenda – Protest Petition with 47 signatures and Support Petition from Attorney Maren Parry with 333 signatures
8. Submitted at Meeting –Photos submitted by Steven Franklin and letter from Father Gregory W. Gordon submitted by Attorney Curran
9. Backup referenced from the 02-08-07 Planning Commission Meeting Item 29

Motion made by GARY REESE to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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NOTE: After the vote, COUNCILWOMAN WILLIAMS asked that the record reflect her vote as yes.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BILL CURRAN explained this was held in abeyance because after the Planning Commission approval, a petition was brought by Tower of Jewels and he wanted a chance to speak to MR. WEINSTEIN and the school, which was represented to have concerns.

ATTORNEY CURRAN, Ballard Spahr Andrews & Ingersoll, LLP, 300 South Fourth Street, appeared on behalf of the applicant together with BILL MARION. His client, CRAIG McCALL, was not present at this time but he decided to move forward. This item was in front of the Council previously and staff's recommendation for denial was because the waiver requirement states that pawn shops with the other Financial Institutions Specified, which are payday loans and auto title loans, often bring controversy. Before a new ordinance was introduced to look at these uses on a case-by-case basis, he submitted a justification that pawn shops are different and should not be considered as other institutions.

ATTORNEY CURRAN indicated the number of pawn shops located in the vicinity. He explained that MR. McCALL bought several existing pawn stores from other operators and has been coming before the City Council seeking to relocate and upgrade these locations. The proposed pawn shop will become a flagship store at the old JIM CHRISTENSEN building, with the second floor as the corporate headquarters and the ground floor as the proposed pawn shop. ATTORNEY CURRAN noted he is aware of opposition from Tower of Jewels, who presented a petition from customers that do not live nearby. He verified that his client also had a support petition with 333 signatures from customers.

BILL MARION, Marion Associates, 3455 Cliffs Shadow Parkway, congratulated COUNCILWOMAN WILLIAMS for her appointment. He served with her on the U.S. Senate. After learning there was opposition from the nearby school and church, they reached out to them and those who signed the petition to explain this application. He reiterated this will be a flagship store with a jewelry store, as well as a pawn store. MR. McCALL has become a leader in the movement to try to impose more consumer protection on financial institutions. In fact, he recently testified in front of the legislature for ASSEMBLYWOMAN BUCKLEY'S initiative to change laws regarding payday loans and check cashing operations. MR. MARION mentioned he met with the principal of the school and suggested a meeting with school staff and parents who were concerned about the pawn operation to explain why this operation would be an asset and not a detriment to that community. Unfortunately, because of time constraints, a meeting was not held. Therefore, in lieu of that, two public meetings were held. A letter was mailed to everybody who signed the protest petition, as well as to all the businesses and residents in the notification area. At the first meeting, only eleven people attended; five were Tower of Jewels' employees. There were two representatives from the school and three from neighboring

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businesses. Neither teachers or parents attended. The second meeting was very positive and the question was asked how this operation would help the neighborhood. They also went door-to-door to adjacent businesses, who felt comfortable about this request.

ATTORNEY AARON MORRIS, 1349 Galleria Drive, Henderson, representing Tower of Jewels, stated Tower of Jewels opened in 1999 and employs 60 people and objected to the application. The neighborhood is at a crossroad; the south has Las Vegas Country Club, the Sterling Club and high rise developments. There are seven existing similar operations. The request is not in compliance with the redevelopment plan; its purpose is for the diversification of the economic base of the redevelopment area. Title 19 does not contemplate saturation and this request is not appropriate. He mentioned he did not see the petition.

COUNCILMAN REESE indicated the petition submitted by ATTORNEY CURRAN was signed by people throughout the valley. He asked who presented the petition at the last meeting. ATTORNEY MORRIS replied the signatures were from the school and the church but was not aware who submitted the petition. COUNCILMAN REESE pointed out he put credence in the first petition, but the one submitted at this meeting had no validity. ATTORNEY MORRIS noted the City Council has a vision as to how an area is to be developed, and these people would like that vision to remain.

TED RUSSELL, Las Vegas resident, appeared in support of the facility.

JACK WEINSTEIN, owner of Tower of Jewels and a 46-year Las Vegas resident, he does not object to pawn shops because he also owned several. However, this pawn shop is a perceived notion. He does not look at it as competition, but high-rise residents would be able to see the pawn shop from their windows. He pointed out nobody from his company signed the petition; he obtained signatures by walking the neighborhood.

DAVID CHRISTENSEN, M.J. CHRISTENSEN'S grandson, appeared in support. They own the building and need to sell. He hopes the City Council has looked at this area; most of the sites are not rented. He disagreed with MR. WEINSTEIN'S comment; there is an issue about competition. The family needs to sell the building. He pointed out that MR. McCALL is not leasing but is buying the building.

PAULA SAVER, owner of Hardy Nail Spa, 953 East Sahara Avenue, President of the New Commercial Center Business Association, stated there are 250 business suites and 200 are occupied. She has been working to improve the area; volunteers have painted over graffiti, picked up trash, and is in the process of building a web site to promote the commercial center. She asked what is the impact of a pawn shop upon an area? She would like to see larger businesses come into this area. The vision is to create a bustling area with a higher quality of businesses. COUNCILMAN REESE pointed out the center MS. SAVER referred to is in the County, and he has had conversations with newly elected COMMISSIONER CHRIS GIUNGHILIANI, who feels this location is in the redevelopment area and should be treated as such.

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PAUL ANDERSON, 854 East Sahara Avenue, owns a computer store and is the real estate agent representing this transaction. This is not only a question of the Special Use Permit, but several million dollars have been invested into this project. The building has been advertised for leasing/for sale.

EDWARD SANTORO, 1005 Raw Birch Lane, stated he attended both meetings, as well as observing Clark County and Planning Commission meetings. He presented photographs depicting pawn shops not selling jewelry but a variety of items. One shop located on Fourth Street has a 24-hour window. It is reminiscent of a South Bronx crack den. It is disheartening to see what was shown at the Planning Commission meeting, but it is not the true face of the applicant.

COUNCILWOMAN TARKANIAN asked to see a picture of the East Sahara location, but MR. SANTORO did not have one. He then submitted the photographs for the record.

TAMELA HOMESTEAD is employed at Tower of Jewels, but her main reason she opposes the request is because her grandchildren attend Trinity School. A pawn shop will bring a bad element to the area and asked the City Council to deny the application.

MABLE MURRAY, 344 Xavier, read a protest letter from VERONICA HOLMES. Her children attend Trinity School and is concerned about another pawn shop at this location. The appearance of the area will not improve with these types of businesses and will make the area unfriendly. Why place it next to a school and church? She found it hard to believe Tower of Jewels pawns their jewels.

DERALD GRAUBERGER, 1200 Cahlan Drive, Las Vegas resident, stated he submitted the petition from Trinity School and Church.

WILLIAM STUTS, 1413 Sweeney Avenue, is also employed by Tower of Jewels. When he and his wife moved from Chicago they decided they wanted to live in a central downtown location. They made dramatic improvements to their home. He now sees all the redevelopment happening downtown, where his wife works also. As a resident and employee, they do not believe this request is conducive to the redevelopment projects they are hearing about. He asked that the City Council deny the application.

COUNCILMAN WOLFSON asked MARGO WHEELER, Director of Planning and Development Department, why this type of use needs a Special Use Permit. MS. WHEELER replied the City Council approved the ordinance that required the distance separation for pawn shops, auto title loans and financial institutions specified, which are those that are not banking institutions, but are private that lend under different requirements of the State. The concern with this type of use was that if there is a concentration in a specific area, then there is an implied difference in that commercial neighborhood from other neighborhoods. Therefore, this allows for the public hearing to consider that particular use in this particular location, and specifically to

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make findings with regard to the proximity of this use to the most adjacent residential neighborhoods and other similar uses. The public hearing is to inform the public and bring it for consideration by the City Council.

COUNCILMAN WOLFSON further asked when waivers are granted. MS. WHEELER replied in this case, the City Council has to make the finding that the use is compatible with the neighborhood, site is physically suitable and the Special Use Permit, not only meets the public health and safety, but the overall objectives of the General Plan, even though it does not meet the distance separation standards. COUNCILMAN WOLFSON commented that oftentimes waivers are granted without making those findings on the record. ASSISTANT CITY ATTORNEY BRYAN SCOTT added that if the use is harmonious and compatible with the existing neighborhood and does not harm the general public, the waiver can be granted if there is good cause to do so. Many times the reason for a special use permit on certain businesses is because the Council has deemed certain businesses to cause impacts to the surrounding neighborhood. Therefore, they require a special use permit with conditions to lessen the impact on the surrounding developments.

CHRIS CHRISTOFF, Las Vegas resident, questioned why pawn shops are not located in the Galleria and Fashion Show Malls or Summerlin. It seems these pawn shops and loan types of businesses are located in low profile areas. Spanish Oaks' property values have never increased due to these types of businesses. He believes there have to be specific areas for these uses to exist. The City Council needs to make a decision, not to deny the person the right for a business but the right to keep them at a distance.

AUDRY STACE, Director of Trinity School, stated the impact from this type of business will be placed on the families of children who attend the school. There is already much activity coming through East Sahara; children walking to school, homeless individuals and residents. Regardless of these activities, parents continue to enroll their children because they believe in the school. The future of Trinity School depends on the surrounding environment. The school is open Monday through Friday, from 6:30 a.m. to 6:00 p.m.

STEVEN FLANKLIN, 556 Ellen Way, reluctantly opposed the project. He researched and presented a report done by a Dallas reporter on the type of people who go to pawn shops. Most of the property was reported stolen. He presented photographs of the current location depicting items being sold at this pawn shop.

MR. MARION rebutted that photographs shown by MR. SANTORO depicted stores they are in the process of closing, as it takes time to upgrade and relocate. MR. MARION then presented photographs of existing stores in Green Valley and Anthem depicting the interior and exterior of the pawn shops. Jewelry is sold in a neat and clean environment. The subject store is not a threat to the church. His client is trying to reshape the image of pawn shops.

ATTORNEY CURRAN acknowledged that the petition was submitted by people throughout the valley. COUNCILMAN REESE succinctly commented he is looking at those people that live,

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work and go to school in this particular area. ATTORNEY CURRAN submitted support letters and read a letter from FATHER GREGORY GORDON of Saint Francis of Assisi Catholic Church of Henderson stating that a similar business next to his church has not caused any adverse impact. MR. CURRAN believes this application represents a solution to the neighborhood.

MR. McCALL remarked he would never bring in a business that would harm neighbors, particularly churches or schools. He is trying to upgrade each store he owns to get away from what was depicted by the other speakers. He is trying to make a move that is both pleasing to the Council and residents.

COUNCILMAN REESE stated he has been at this location at different times in the day. He appreciates what MR. McCALL is trying to do, but he has a hard time forcing a business into a neighborhood where it is not wanted by the residents. Upon COUNCILMAN REESE'S query as to staff's recommendation for denial, MS. WHEELER replied that the proposed pawn shop is to be located in a building that is 685 feet from an existing financial institution specified. Therefore, the proposed use cannot meet the requirements as set forth in Title 19. As a result, staff cannot recommend approval.

COUNCILMAN REESE indicated that new developments such as Allure and Turnberry Towers are located to the west. The City spent eight million dollars redoing St. Lewis in an attempt to bring back a neighborhood that has been torn. It is difficult to make this decision, but allowing this use will not maintain the redevelopment efforts for this area.

MAYOR GOODMAN remarked that each item has its own merit. This is not a reflection on MR. McCALL because much of what was discussed is about perception, and he encouraged MR. McCALL to continue upgrading his product in the community. COUNCILMAN BROWN echoed the Mayor's comments. He added that business owner, STEVE MACK, introduced him to what is done with Metro, as far as raising the perception of this industry. MR. MACK developed pawn shops within the northwest area that proved to be a good business neighbor. Many people use pawn shops as another financial service. He does not like the fact that some people believe that a pawn shop, even at this quality, somehow will harm the business community, neighbors, churches and schools. MR. McCALL is trying to bring the pawn shops' perception to good standing. Finally, he believes that this is not about competition.

MAYOR GOODMAN declared the Public Hearing closed.